

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

*In Re: New York City Policing During  
Summer 2020 Demonstrations*

No. 20 Civ. 8924

This Order Relates to All Cases

**PROPOSED ORDER**

**WHEREAS**, the Court held a conference on July 11, 2022<sup>1</sup> regarding the procedures to be followed for high-level depositions in these Consolidated Actions, it is hereby ORDERED as follows:

**A. Defendants' Pre-Deposition Productions**

1. As soon as practicable after a deposition from the list of high-level deponents is calendared, Defendants shall provide to Plaintiffs and Union-Intervenors a list of all protests from the Amended Schedule A (attached as Exhibit 1 to this Order)<sup>2</sup> (i) at which the deponent was present, (ii) that the deponent participated in planning, and/or (iii) that the deponent participated in an evaluation of the NYPD's response.

2. No later than August 1, 2022, Defendants shall produce to Plaintiffs and Union-Intervenors the disciplinary (IAB and CCRB) histories concerning all charges relating to use of force, dishonesty, or unlawful arrest occurring on or after May 28, 2010 (10 years prior to the protests of 2020) for each high-level deponent noticed by Plaintiffs. This deadline can be modified by agreement between the Parties.

<sup>1</sup> ~~The Union Intervenors did not appear at or participate in the Conference. Nevertheless, the parties include them in this proposed order in the interests of efficiency.~~

<sup>2</sup> ~~At the conference on July 11, 2022, the Court declined to make a definitive ruling with respect to the application of Amended Schedule A to this litigation, except as to the deposition protocol. (Transcript at 25:5-8).~~

3. No later than one week prior to the depositions, Defendants shall provide to Plaintiffs and Union-Intervenors:

- a. the deponent's full calendar from May 25-July 25, 2020 in addition to all calendar entries related to any protest listed on Amended Schedule A, and
- b. each text message sent or received on the deponent's NYPD cell phone concerning any protest listed on Amended Schedule A.

**B. Plaintiffs' Pre-Deposition Exchange**

One week prior to the deposition, Plaintiffs may provide all dDefendants, including the Union-Intervenors, with a list of topics and case law they plan to cover in the deposition and certain exhibits they may use, without prejudice to amendment or supplementation at the time of deposition, and that time used during a deposition for review of case law, documents and other exhibits not produced prior to the deposition is not chargeable to the defendants.

Dated: July 22, 2022

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Hon. Gabriel W. Gorenstein